

1750 K Street, NW, Suite 700  
Washington, DC 20006

(p) 202.289.4333  
(f) 202.888.6268

steven@barentzenlaw.com

September 4, 2019

*Via ECF*

Honorable Denise L. Cote  
United States District Courthouse  
500 Pearl Street  
New York, NY 10007

Re: SEC v. Lek Securities Corp., et al. Case No. 17 CV 1789 (DLC)

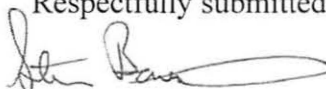
Your Honor:

On behalf of Defendants Avalon FA Ltd and Nathan Fayyer (the “Avalon Defendants”) and Sergey Pustelnik, I write to request permission to exceed the Court’s 25-page limit with respect to Defendant’s pre-trial memorandum of law. Specifically, defendants request permission to file a 50-page memorandum of law which is necessary to address the numerous complex issues of law in this case. The Court previously granted similar relief to LEK and the SEC with respect to the parties’ briefing on motions for summary judgment.

Unlike the Lek Defendants, neither the Avalon Defendants nor Mr. Pustelnik filed either a motion to dismiss or a motion for summary judgment. Thus, while some of the issues that defendants anticipate raising in the pre-trial memorandum of law have previously been addressed by LEK and the SEC, they have never been addressed by these defendants. Moreover, there are numerous issues that are unique to these defendants that have never been addressed by any party. Defendants intend to raise these issues not only for purposes of the trial on the merits in this action, but also for purposes of preserving these issues for appeal. If the requested relief is not granted, these defendants will be prejudiced in their ability to adequately address the SEC’s claims and their defenses to those claims.

The SEC has advised us that it opposes the request, arguing that the “legal issues have been discussed at length in the parties’ briefs and in the Court’s rulings on the Lek Defendants’ motions to dismiss and for summary judgment.” But, as noted above, while some of these issues may have been addressed by the Lek Defendants, they have never been addressed by any of these defendants. While the SEC is opposing our request, it apparently would also like permission to file a 50-page pre-trial memorandum of law if the Court were to grant this motion.

Respectfully submitted,



Steven Barentzen